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| 10/702,051 | 11/06/2003 | Jorge Melgosa | 59643.00353 | 7417 |
| 32294 | 7590 | 02/02/2006 | EXAMINER | |
| SQUIRE, SANDERS & DEMPSEY L.L.P. 14TH FLOOR 8000 TOWERS CRESCENT TYSONS CORNER, VA 22182 | | | EKONG, EMEM | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2688 | |

DATE MAILED: 02/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/702,051

Applicant(s)

MELGOSA, JORGE

Examiner

EMEM EKONG

Art Unit

2688

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-11,13 and 19-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-11,13 and 19-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 11/14/05 have been fully considered but are moot in view of new grounds of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 13 is rejected under 35 U.S.C. 102(b) as being anticipated by U. S. Patent No. 6,463,275 B1 to Deakin.

Regarding claim 13, Deakin discloses a method for billing in a communications system, storing in a memory information identifying one of a plurality of charging nodes associated with a communication session as a default charging node for said session (col. 2 lines 33-51, the Billing Class Identifier can be used by the Mobile network to route the Call Event Data for a subscriber or individual service of a subscriber to the correct billing system for processing); and sending charging information for said session from a first communications node to said default charging node if available (col. 2 lines 38-51, billing system can be distributed to support different billing type).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 1, 4-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over U. S. Patent No. 6,785,535 B2 to Lucidarme et al (Lucidarme) in view of Deakin.

Regarding claim 1, Lucidarme discloses a communications system comprising: a first communications node (GGSN); a second communications node (SGSN); a plurality of charging nodes (CGF); and a memory (see figure1, col. 3 lines 24-39, col. 4 lines 15-28, a CGF entity 34 may be incorporated into a GGSN or SGSN, or form a separate unit, this indicates a memory in the GSNs);

said first node comprising means for sending charging information to at least one of said charging nodes, said second node comprises means for sending charging information to at least one of said charging nodes (col. 4 line 15-col. 5 line 2).

However, Lucidarme fails to disclose wherein said memory comprising means for storing information identifying one of said charging nodes as being a default charging node for a communication session;

said first node and said second node are arranged to send respective charging information for said session to said default charging node using said information stored in said memory, if said default charging node is available.

Deakin discloses wherein said memory comprising means for storing information identifying one of said charging nodes as being a default charging node for a communication session;

said first node and said second node are arranged to send respective charging information for said session to said default charging node using said information stored in said memory if said default charging node is available (col. 2 lines 33-52).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Lucidarme, and have said memory comprising means for storing information identifying one of said charging nodes as being a default charging node for a communication session; and said first node and said second node are arranged to send respective charging information for said session to said default charging node using said information stored in said memory if said default charging node is available as disclosed by Deakin for the purpose of routing to the correct billing system.

Art Unit: 2688

Regarding claims 4-10, the combination of Lucidarme and Deakin discloses a communications system as claimed in claim 1, wherein said communications system is a UMTS architecture communications system;

wherein said communications system is a GPRS architecture communications system;

wherein said first communications node is a gateway GPRS service node (GGSN);

wherein said second communications node is a serving GPRS support node (SGSN);

wherein said at least one charging node comprises a charging gateway function (CGF); and said at least one charging node is a charging gateway (CG);

wherein said memory is located within said first or said second communications node (Lucidarme, see figure 1, and col. 4 lines 27-29).

7. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lucidarme in view of Deakin, and further in view of U. S. Publication No. 2005/0047378 A1 to Wuschke et al..

Regarding claim 11, the combination of Lucidarme and Deakin discloses a communications system as claimed in claim 10, further comprising a second memory located within the other of said first or second communications. (par. 0052).

However, the combination fails to disclose wherein said second memory is arranged to store information identifying at least one of said charging nodes further

Art Unit: 2688

comprising a second and said second memory is arranged so that the value stored in said memory is synchronised with the value stored in said second memory.

Wuschke et al. discloses second memory is arranged to store information identifying at least one of said charging nodes further comprising a second and said second memory is arranged so that the value stored in said memory is synchronised with the value stored in said second memory (pars. 0007-0010).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination, and have second memory arranged to store information identifying at least one of said charging nodes further comprising a second and said second memory is arranged so that the value stored in said memory is synchronised with the value stored in said second memory as disclosed by Wuschke et al. for the purpose of correlating information.

8. Claims 19, 20, 31-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wuschke et al. in view of Deakin.

Regarding claim 19, Wuschke et al. discloses a gateway communication node for use in a communication system (par. 0006), said node comprising a memory for storing information identifying a default charging node associated with a communication session to which said node is to send said charging information for said session (pars. 0007-0010).

However, Wuschke et al. fails to disclose said node being arranged to send charging information for said session to said default charging node if said default charging node is available.

Deakin discloses said node being arranged to send charging information for said session to said default charging node if said default charging node is available (col. 2 lines 33-52).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination, and have said node being arranged to send charging information for said session to said default charging node if said default charging node is available as disclosed by Deakin for the purpose of charging

Regarding claims 20, 31-40, the combination of Wuschke et al. and Hurtta discloses a node as claimed in claim 19, wherein said node is arranged to send said information identifying said charging node in said memory to a second node; wherein said node is a GGSN;

said node being arranged to generate charging information for a packet data connection (PDP), and to select said default charging node in dependence on the communication session (GPRS) with which said packet data connection (PDP) is associated;

wherein said information identifying said default charging node is stored in said memory (CG1) in response to creating a first packet data connection (PDP) for said communication session;

comprising means for sending generated charging information of said session to said default charging node (CG1);

comprising sending means for sending generated charging information to a secondary charging node (CG2) if said default charging node (CG1) is not reachable. wherein said secondary charging node (CG2) is a currently active charging node for said node (GGSN);

comprising means for selecting a charging node being currently determined as an active charging node for said node (GGSN) and storing in said memory said active charging node as said default charging node to be associated with said communication session;

comprising means for instructing a second node (SGSN) said assigned default charging node (CG1) for said session;

wherein said session (GPRS) comprises a plurality of packet data connections (PDP);

wherein said charging information comprises a charging data record (Wuschke et al., see figure 1, and pars. 0006-0010).

9. Claim 21-30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Deakin in view of Wuschke et al.

Regarding claims 21-30, the combination of Deakin and Wushke et al. discloses a method as claimed in claim 13 comprising the step of sending charging information from a second communication node to said default node;

further comprising the step of storing in a second memory said information identifying said default charging node;

further comprising the step of maintaining said memory and said second memory so that the information identifying the default charging node is the same;

comprising the step of sending said information identifying said default charging node in said memory to a second node;

comprising generating charging information for a packet data connection (PDP) and selecting said default charging node in dependence on the communication session with which the packet data connection (PDP) is associated.

comprising storing information identifying said default charging node in said memory in response to creating a first packet data connection (PDP) for said communication session;

comprising the step of sending charging information to a secondary charging node (CG2) if said default charging node (CG1) is not reachable;

wherein said storing step comprising selecting a charging node being currently determined as an active charging node and storing in said memory said active charging node as said default charging node to be associated with the communication session;

wherein said session (GPRS) comprising a plurality of packet data connections (PDP);

wherein said charging information comprises a charging data record (Wushke et al., see figure 1, and pars. 0004-0012).

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EMEM EKONG whose telephone number is 571 272 8129. The examiner can normally be reached on 8-5 Mon-Fri..

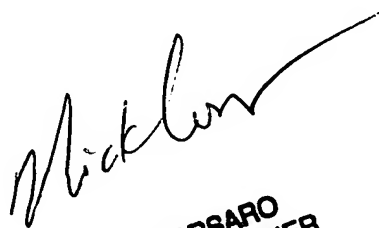
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571 272 7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2688

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



EOE
1/23/06



**NICK CORSARO
PRIMARY EXAMINER**